

Congress of the United States
Washington, DC 20515

June 29, 2001

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

We oppose any effort to increase the national broadcast ownership cap. Two of the hallmark principles of the Communications Act are localism and diversity, and our uniquely American form of broadcasting, with its combination of national networks and local, independently-owned and -operated broadcast outlets, reflects these core principles. We are committed to making sure that as the media industry evolves and consolidates, the voice of local broadcasters is not stifled or silenced. The national ownership cap at its current level serves a critical role in preserving localism.

We believe that the 35 percent cap should remain where Congress established it in the law, and we write to urge the Commission not to increase the cap and to vigorously defend this provision as it comes under fire before the Commission and in the courts. We believe that the voice of the local station will become ever more meaningful to our communities, especially for that segment of the population that does not subscribe to pay television, as the broadcast television industry transitions to digital technology and its ability to serve local communities is enhanced. It is for this reason that we oppose any increase in the current 35 percent national television ownership cap that Congress adopted, after lengthy debate on the floor of both the House and Senate, as part of the Telecommunications Act of 1996.

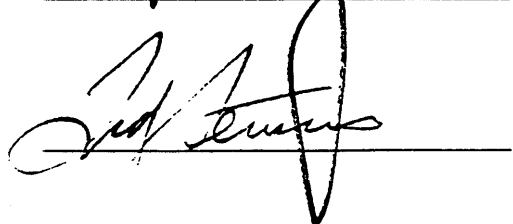
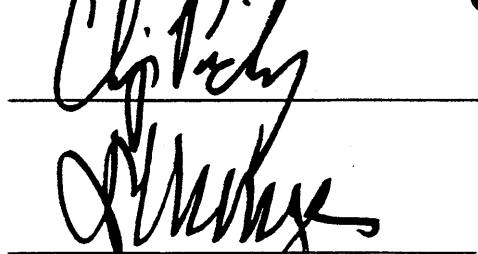
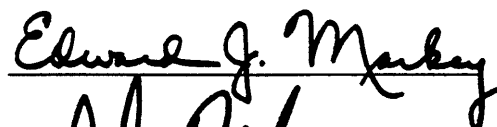
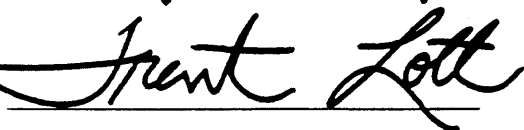
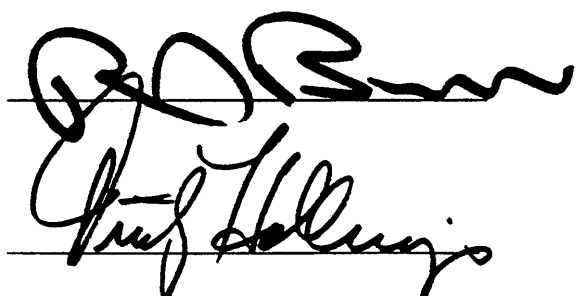
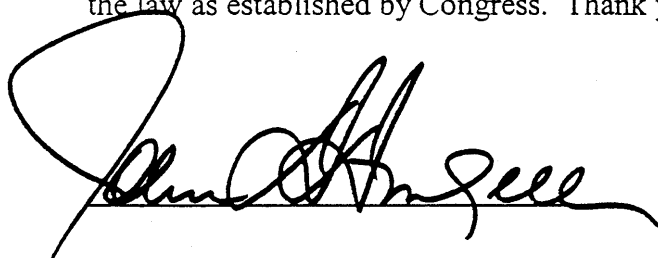
Challenges brought by the broadcast television networks against the national television ownership cap lack merit and we believe the Commission has an obligation to vigorously defend the cap against such challenges. In our view, the D.C. Circuit's recent holdings in litigation surrounding cable ownership caps simply establish that (1) Congress acted constitutionally when it set limits on ownership of media properties in order to preserve competition and promote diversity in ideas and speech; and (2) the FCC did not adequately justify the particular numerical limitation it set on cable networks in its rule. The D.C. Circuit did not find that the Commission could not promulgate limitations with regard to media ownership. In writing the Telecommunications Act of 1996, Congress itself set the national television ownership cap and incorporated it in the statute for the same reasons the court found to be important governmental interests in the recent litigation addressing the cable ownership cap: to promote diversity in ideas and speech and preserve competition.

Moreover, the time is not right for a change in the national ownership cap. In recent years the Commission has altered a number of rules affecting the broadcast industry, from the dual network rule to the duopoly rule to the financial interest and syndication rule. Because these rules are related and interact in their impact on local broadcasting, the Commission should take sufficient time to observe the effects of those recent changes and assess their impact on diversity and competition before considering any alteration to the national limit.

The national ownership cap is vital to ensuring that television programming decisions remain in the hands of local broadcasters, and that media power does not become concentrated in New York or Los Angeles. The national broadcast ownership cap is not, as some wrongly suggest, just about competition. Local input helps keep our broadcast system responsive to the views of local communities across the country. That diversity of viewpoint benefits our democracy. The national ownership cap also ensures that the delicate balance of power in the network-affiliate partnership is maintained. We think that recent controversy regarding the scope of the networks' power even under the current regulatory regime underscores the notion that retention of the 35% national television ownership cap remains essential to prevent potential abuses.

We urge the Commission to honor its statutory responsibility to facilitate a robust system of locally-based broadcasting not equaled anywhere in the world by maintaining and enforcing the law as established by Congress. Thank you for your time and attention to this matter.

Sincerely,



Bryan L. Eagan

David Egan

Max Cleland

Jesse Helms

John Edwards

Barack Obama

cc: Commissioner Gloria Tristani
Commissioner Kathleen Abernathy
Commissioner Michael Copps